

**ATTENTION: BOX AFTER FINAL
EXPEDITED PROCEDURE REQUESTED
EXAMINING GROUP 2168**
Attorney Docket No.: 34874-022/2003P00820US
Customer No.: 64280

REMARKS

In the Office Action mailed February 3, 2009, the Examiner objected to claims 1-2, 5-8, and 14-21 as failing to provide proper support for the recited computer-readable storage media and rejected claims 1-2, 5-11, and 13-21 under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent Application Publication No. 2002/0016771 to Carothers et al. (Carothers) in view of U.S. Patent Application Publication No. 2004/0225675 to Benson.

By this amendment, Applicants amend claims 1, 9, and 14 to more clearly define the features of those claims and delete claim 21 without prejudice or disclaimer. Applicants submit that the amendments are supported by the specification (see, e.g., paragraphs 0017 and 0037).

Claims 1, 2, 5-11, and 13-20 are currently pending.

Regarding the objection to claims 1, 2, 5-8, and 14-20, the Examiner alleges that the specification does not provide support for a computer-readable storage media. Applicants disagree. On page 17 of the Final Office Action, the Examiner suggests that Applicants should use terms disclosed in the specification. However, that is exactly what the Applicants have done. The instant specification is replete with examples of computer-readable storage media. For example, paragraph 0006 describes a data buffer, a system memory, a database system, a database, each of which is certainly a computer-readable storage medium. If the Examiner demands that the Applicants use "identical" terminology to the specification, that is not required by law. Nor is it a requirement of the M.P.E.P. Indeed, the M.P.E.P. takes a position contrary to the

**ATTENTION: BOX AFTER FINAL
EXPEDITED PROCEDURE REQUESTED
EXAMINING GROUP 2168**
Attorney Docket No.: 34874-022/2003P00820US
Customer No.: 64280

Examiner stating that Applicants are “***not limited***” to the nomenclature used in the application.¹ As such, the objection to claims 1, 2, 5-8, and 14-20 should be withdrawn.²

The Examiner rejected claims 1-2, 5-11, and 13-20 under 35 U.S.C. § 103(a) as unpatentable over Carothers in view of Benson. Applicants respectfully traverses this rejection.

On page 19 of the Final Office Action, the Examiner alleges that Benson at paragraphs 0045 teaches the following feature of claim 1: “a delta buffer … the data objects buffered in the data buffer having a logical key corresponding to the database of the data objects, a description of an aggregation level described by characteristics and key figures from which aggregates of the data object may be constructed, and a description of a selection condition representing a slice of the multidimensional database.” But a careful scrutiny of Benson at paragraph 0045 reveals it is completely silent with respect to the above-noted feature of claim 1. For the Examiner’s convenience, Benson paragraph 0045 is reproduced below.

[0045] In this example, the record deltas contain all of the operational and value information typically required to manage an entity or object of a disparate directory. Where associated directories exist in a plurality of data sources, information may

¹ “While an applicant is not limited to the nomenclature used in the application as filed, he or she should make appropriate amendment of the specification whenever this nomenclature is departed from by amendment of the claims so as to have clear support or antecedent basis in the specification for the new terms appearing in the claims. This is necessary in order to insure certainty in construing the claims in the light of the specification, Ex parte Kotler, 1901 C.D. 62, 95 O.G. 2684 (Comm'r Pat. 1901).” M.P.E.P. 608.01(o). See also 37 CFR 1.75, MPEP § 608.01(i) and § 1302.01.

² Although Applicants are clearly correct on this point, in the interest of advancing prosecution, Applicants invite the Examiner to proffer a phrase more suitable than “computer-readable storage media.”

ATTENTION: BOX AFTER FINAL
EXPEDITED PROCEDURE REQUESTED
EXAMINING GROUP 2168
Attorney Docket No.: 34874-022/2003P00820US
Customer No.: 64280

change in an asynchronous manner or in a synchronous manner wherein rules are required to adequately manage the information from the various data sources. In either case, record deltas can allow for services and benefits not found in traditional metadirectories. Various exemplary metadirectories, systems and/or methods described herein include record deltas stored in a storage layer of an exemplary metadirectory. Such record deltas include operation and value information as appropriate associated with records of one or more directories.

Benson, para. 0045. At best the above passage from Benson discloses "value information," but is completely silent with respect to the "logical key corresponding to the database of the data objects, a description of an aggregation level described by characteristics and key figures from which aggregates of the data object may be constructed, and a description of a selection condition representing a slice of the multidimensional database" recited in claim 1. Moreover, although Carothers discloses managing financial information, Carothers does not cure (nor does the Examiner allege that it cures) the above-noted deficiencies of Benson.

Therefore, neither Carothers nor Benson, whether taken alone or in combination, discloses or suggests at least the following features recited in claim 1: "a delta buffer configured to store a delta record, wherein the delta record characterizes a difference between the one or more data objects and a modified version of the one or more data objects, the modified version being a result of a change made by the business planning tool to the data objects accessed from the database, the data objects buffered in the data buffer having **a logical key corresponding to the database of the data objects, a description of an aggregation level described by characteristics and key figures from which aggregates of the data object may be constructed, and a description**

**ATTENTION: BOX AFTER FINAL
EXPEDITED PROCEDURE REQUESTED
EXAMINING GROUP 2168**

Attorney Docket No.: 34874-022/2003P00820US
Customer No.: 64280

of a selection condition representing a slice of the multidimensional database, the business reporting tool and the business planning tool requesting data from the data buffer having a specified aggregation level and a specified selection condition, the delta buffer and the data buffer providing an integrated view to the business reporting tool and the business planning tool.” Emphasis added. As such, claim 1 is allowable over Carothers and Benson, and the rejection of claim 1 under 35 U.S.C. § 103(a) should be withdrawn.

Claims 2 and 5-8 depend from claim 1. Claims 9 and 14, although of different scope, include limitations that are similar to those noted above with respect to claim 1. Claims 10, 11, and 13 depend from claim 9. Claims 15-20 depend from claim 14. For at least the reasons given above with respect to claim 1, claims 2, 5-11, and 13-20 are allowable over Carothers and Benson, and the rejection of those claims under 35 U.S.C. § 103(a) should be withdrawn.

Regarding the finality of the instant Office Action, Applicants submit that the finality should be withdrawn because the Examiner apparently improperly ignored the “logical key,” “description of an aggregation level,” and the “description of the selection condition” recited in claim 1. On page 19 of the Final Office Action, the Examiner alleges that these noted features of claim 1 are “non-functional values” not given meaning until Applicants provide specific functional meanings for those terms. Once again, the Examiner has crafted his own jurisprudence.³ Nonetheless, Applicants are

³ “A functional limitation is an attempt to define something by what it does, rather than by what it is (e.g., as evidenced by its specific structure or specific ingredients). There is nothing inherently wrong with defining some part of an invention in functional terms. Functional language does not, in and of itself,

**ATTENTION: BOX AFTER FINAL
EXPEDITED PROCEDURE REQUESTED
EXAMINING GROUP 2168**
Attorney Docket No.: 34874-022/2003P00820US
Customer No.: 64280

committed to advancing prosecution, and have amended the claims to include the meanings suggested by the Examiner. In view of the foregoing, Applicants respectfully request that the Examiner withdraw the finality of the instant Office Action.

Regarding the motivation to combine, Applicants submit that one of ordinary skill in the art would not be motivated to make the Carothers-Benson combination proposed by the Examiner. Applicants submit that Benson teaches away from claim 1 as it uses a metadirectory 202 rather than the “delta buffer” recited in claim 1.⁴ As such, one of ordinary skill in the art would not be motivated to make the Carothers-Benson combination proposed by the Examiner. Therefore, the rejection of claims 1-3, 5-8, and 14-20 under 35 U.S.C. §103(a) as unpatentable over Carothers and Benson should be withdrawn for this additional reason.

render a claim improper. *In re Swinehart*, 439 F.2d 210, 169 USPQ 226 (CCPA 1971).” M.P.E.P. 2173.05(g).

⁴ MPEP §2141.02 further notes that “a prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention. *W.L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), cert. denied, 469 U.S. 851 (1984).

**ATTENTION: BOX AFTER FINAL
EXPEDITED PROCEDURE REQUESTED
EXAMINING GROUP 2168**
Attorney Docket No.: 34874-022/2003P00820US
Customer No.: 64280

CONCLUSION

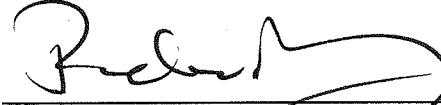
Applicants respectfully request that this Amendment under 37 C.F.R. § 1.116 be entered by the Examiner. Applicants submit that the proposed amendments do not raise new issues or necessitate the undertaking of any additional search of the art by the Examiner. Therefore, this Amendment should allow for immediate action by the Examiner. Finally, Applicants submit that the entry of the amendment would place the application in better form for appeal, should the Examiner continue to dispute the patentability of the pending claims.

It is believed that all of the pending claims have been addressed in this paper. However, failure to address a specific rejection, issue or comment, does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above are not intended to be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

**ATTENTION: BOX AFTER FINAL
EXPEDITED PROCEDURE REQUESTED
EXAMINING GROUP 2168**
Attorney Docket No.: 34874-022/2003P00820US
Customer No.: 64280

On the basis of the foregoing amendments, Applicants respectfully submit that the pending claims are in condition for allowance. No fee is believed to be due, however, the Commissioner is hereby authorized to charge any additional fees that may be due, or credit any overpayment of same, to Deposit Account No. 50-0311, Reference No. 34874-022/2003P00820US. If there are any questions regarding these amendments and remarks, the Examiner is encouraged to contact the undersigned at the telephone number provided below.

Respectfully submitted,



Pedro F. Suarez
Reg. No. 45,895

Date: 3 April 2009

Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C.
3580 Carmel Mountain Road, Suite 300
San Diego, CA 92130
Customer No. 64280
Tel.: 858/314-1500
Fax: 858/314-1501